

Jurisdiction and Travel of the Case

This is an appeal from the decision of the Johnston school district to discontinue both the locally well-known Jaguar Band and the chorus program at the Ferri Middle School in Johnston. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2.

Positions of the Parties

Petitioner

The petitioning parents and students contend that the discontinuance of the band and chorus programs at the Ferri Middle School runs afoul of the requirements of the BEP. (Transcript, page11)

Respondent

The respondent school district submits that there is no requirement that it offer a band or chorus program at the Ferri Middle School.

Findings of Fact

1. Some three hundred children are involved in the band and chorus programs at the Ferri Middle School. Students who participate in the band or the chorus receive grades for their participation. The SALT survey for the district indicates widespread participation and support for these programs which have been in existence for years. There is a sense that if students do not begin to play instruments at the middle school level their potential for musical success at the high school level may be diminished and those students whose graduation by proficiency programs require musical performances will have a diminished prospect for success.
2. The school district intends to replace the band and chorus programs with a computer generated music program that will provide instruction in musical theory at the middle school.
3. While the record shows that some music programming beyond this computer generated program has been added, this programming falls well short of the formerly existing chorus and band programs.

Conclusions of Law

1. School committees have the, “entire care, control and management of all the public school interests of the several cities and towns....” R.I.G.L. 16-2-18 The law also provides that:

R.I.G.L. 16-2-16 Rules and regulations – Curriculum. – The school committee shall make and cause to be put up in each schoolhouse rules and regulations for the attendance and classification of the pupils, for the introduction and use of textbooks and works of reference, and for the instruction, government, and discipline of the public schools, *and shall prescribe the studies to be pursued in the schools, under the direction of the department of elementary and secondary education.* (Emphasis added)

2. The regulatory element of the Basic Education Program governing public school music instruction states:

Music Education Curriculum. — The goals of music education are to help every student develop sensitivity to music, develop abilities to translate traditional and graphic symbols into sound, understand cultural and musical heritage, develop ability to make informed choices about music, and build a lifelong appreciation of music. To these ends, and to meet the needs of all students, the music program shall have three components. One is the opportunity to study music as a separate subject of study. The second is to encounter music as part of a general basic education. The third component recognizes the role that music can play in the education of students with special needs, including those who are handicapped, gifted and talented, bilingual and/or disadvantaged.

a. There shall be a music program, K-12, which offers all students opportunities to perform, create and compose, develop aural and cognitive skills, read music, evaluate and criticize. At the high school level, coursework shall also be offered in at least one vocal and one instrumental activity.

b. In grades K-3, some or all of the initial music experience shall be incorporated with the development of the literacy skills of reading, writing, speaking, listening, and mathematics (16-67-2(2)). General Laws of Rhode Island.

c. The music education program shall provide coursework in the following:

- rhythm;
- melody;
- harmony;
- form;
- timbre;
- expressive qualities;
- notational skills;
- styles (types)
- history and literature; and
- Performance skills.

Discussion

It is only at the high school level that the BEP requires that, "...course work shall be offered in at least one vocal and one instrumental activity." Therefore, however desirable it would be to offer a band and chorus program at the middle school level we, unfortunately, can find no requirement in the BEP that such programs be offered at the middle school level. The discretion to continue or discontinue the Jaguar Band and the chorus program is therefore lodged in the Johnston school committee under R.I.G.L.16-2-16 and R.I.G.L. 16-2-18 as long as musical instruction in some form is being provided at the Ferri Middle School. The record shows that such programming is being provided. We can find nothing in the record before us which would justify overturning the decision the Johnston school committee made in this matter.

Conclusion

The appeal is denied and dismissed.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

August 21, 2008
Date